

Chapter 9.36**INDECENT EXPOSURE OF WAITRESSES AND PERFORMERS**

(1635-3/71)

Sections:

- 9.36.010 Authority to regulate
- 9.36.020 Theater defined
- 9.36.030 Bottomless prohibited
- 9.36.040 Topless prohibited
- 9.36.050 Persons as accessories
- 9.36.060 Exceptions

9.36.010 Authority to regulate. The ordinance codified herein is adopted pursuant to sections 318.5 and 318.6 of the Penal Code. All words used in this chapter which also are used in sections 318.5 and 318.6 are used in the same sense and mean the same as the same respective word used in sections 318.5 and 318.6 of the Penal Code. (1635-3/71)

9.36.020 Theater defined. As used in this chapter and in sections 318.5 and 318.6 of the Penal Code, "theater" means a building, playhouse, room, hall or other place having a permanent stage upon which movable scenery and theatrical or vaudeville or similar performances are given, permanently affixed seats so arranged that a body of spectators can have an unobstructed view of the stage, whose primary function is to give such performances, and for which a city permit or license for a theater is in full force and effect. This definition does not supersede the provisions of section 9.36.010 of this code. (1635-3/71)

9.36.030 Bottomless prohibited. Every person is guilty of a MISDEMEANOR who:

- (a) Exposes his or her genitals, vulva, anus, pubic hair or cleft of the buttocks or employs any device or covering which is intended to simulate the genitals, vulva, anus, pubic hair or cleft of the buttocks while participating in any live act, demonstration or exhibition in any public place, place open to the public or place open to public view, or while serving food or drink or both to any customer;
- (b) Permits, procures or assists any person to so expose himself or herself, or to employ any such device. (1635-3/71)

9.36.040 Topless prohibited. Every female is guilty of a MISDEMEANOR who, while participating in any live act, demonstration or exhibition in any public place, place open to the public or place open to public view, or while serving food or drink or both to any customer:

- (a) Exposes the nipple of either breast and/or that portion of either breast which contiguously surrounds the nipple and which is of a different natural pigmentation than the main portion of either breast;
- (b) Employs any device or covering which is intended to simulate such portions of the breast; or
- (c) Wears any type of clothing so that any portion of such part of the breast may be observed. (1635-3/71)

9.36.050 Persons as accessories. Every person is guilty of a MISDEMEANOR who permits, counsels or assists any person to violate any provision of this chapter. (1635-3/71)

9.36.060 Exceptions. This chapter does not apply to:

- (a) A theater, concert hall or similar establishment which is primarily devoted to theatrical performances;
- (b) Any act authorized or prohibited by any state statute. (1635-3/71)